

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JACKIE LEFLER and FRED SALMO, on  
Behalf of Themselves and All Others Similarly  
Situated

Plaintiff,

v.

COLUMBIA MANAGEMENT GROUP, INC.  
AND  
COLUMBIA MANAGEMENT  
ADVISORS, INC., ET AL.,

Defendants.

C.A. No. 05-10065 PBS

ORAL ARGUMENT REQUESTED

**MOTION TO DISMISS**

Defendants Columbia Management Group, Inc. (n/k/a “Columbia Management Group, LLC”) and Columbia Management Advisors, Inc. (the “Columbia Defendants”), pursuant to Rules 12(b)(6) and 23.1, Fed. R. Civ. P., move to dismiss this action with prejudice.<sup>1</sup> This motion is supported by Columbia Defendants’ accompanying memorandum of law.

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<sup>1</sup> On April 19, 2005, plaintiffs filed a Notice of Voluntary Dismissal, as to Columbia Wanger Asset Management, L.P. and the trustees associated with funds advised by that entity. On May 16, 2005, plaintiffs filed a second Notice of Voluntary Dismissal dismissing the other individual defendants from the case. Thus, the only remaining defendants are Columbia Management Advisors, Inc. (alleged to be an advisor to certain Columbia funds) (the “Advisor Defendant”) and Columbia Management Group, Inc. (which is alleged to be the parent of the Advisor Defendant).

Request for Oral Argument

Pursuant to Local Rule 7.1(D), Defendants request oral argument and believe that it will assist the Court in deciding the issues raised by this motion.

Certificate of Compliance with Local Rule 7.1(A)(2)

Counsel for Defendants hereby certify that they have conferred with counsel for Plaintiffs in a good faith effort to resolve and/or narrow the issues presented herein.



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Management Group, Inc. (n/k/a "Columbia  
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Management Advisors, Inc.*

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Dated: Boston, Massachusetts  
July 22, 2005

**CERTIFICATE OF SERVICE**

I, Erica L. Hovani, hereby certify that I caused a true copy of the Motion to Dismiss, dated July 22, 2005; the Memorandum of Law in support of Defendants' Motion and the exhibits annexed thereto; and a Motion to File a Brief in Excess of 20 pages, to be served, on the 22<sup>nd</sup> day of July, 2005, upon the following attorneys for the plaintiff by the method indicated below:

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Erica L. Hovani

Dated July 22, 2005